Request for Continued Examination (RCE) Transmittal	Application Number	10/019,719
	Filing Date	04/29/2002
	First Named Inventor	Joachim Hohne et al.
Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Art Unit	2193
	Examiner Name	Insun Kang
	Attorney Docket Number	071308.0288

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

   a. [✓] Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

       i. [ ] Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

       ii. [✓] Other Response to Final Office Action filed 01/13/2006.

   b. [ ] Enclosed

       i. [ ] Amendment/Reply   iii. [ ] Information Disclosure Statement (IDS)

       ii. [ ] Affidavit(s)/ Declaration(s)   iv. [ ] Other _____

2. **Miscellaneous**

   a. [ ] Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

   b. [✓] Other Petition for One Month Extension of Time

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

   a. [✓] The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. _50-2148_____. I have enclosed a duplicate copy of this sheet.

       i. [✓] RCE fee required under 37 CFR 1.17(e)

       ii. [✓] Extension of time fee (37 CFR 1.136 and 1.17)

       iii. [✓] Other Any additional fees to effectuate this filing.

   b. [ ] Check in the amount of $ _____ enclosed

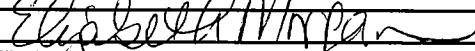   c. [ ] Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED		
Signature	*Michelle LeCointe*	Date	03/14/2006
Name (Print/Type)	Michelle M. LeCointe	Registration No.	46,861

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the U.S. Patent and Trademark Office's Electronic Filing System on the date shown below.

Signature	*Elizabeth Morgan*	
Name (Print/Type)	Elizabeth Morgan	Date	03/14/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Serial No.:

Date Filed:

Group Art Unit:

Examiner:

Title:

Joachim Hohne et al.

10/019,719

April 29, 2002

2193

Kang, Insun

METHOD OF MONITORING OR INSTALLING NEW PROGRAM CODES IN AN INDUSTRIAL INSTALLATION

MAIL STOP – AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. EV352440301US addressed to: Mail Stop – AF, Commissioner of Patents, Office, P.O. Box 1450, Alexandria, VA 22313-1450, on January 13, 2006.

Michael Wasaff

Dear Sir:

RESPONSE TO FINAL OFFICE ACTION

In response to the Final Office Action mailed November 16, 2005, Applicants respectfully submit the following amendments set forth below and request favorable action thereon.

Amendment to the Attorney Docket Number is on page 2 of this paper

Amendments to the Abstract begin on page 3 of this paper.

Amendments to Claims are reflected in the listing of claims which begins on page 5 of this paper.

Remarks/Arguments begin on page 8 of this paper.

EV352440301US

ATTORNEY DOCKET NO.

ATTORNEY DOCKET NO.

Applicants respectfully request correction of the Attorney Docket No. in the United States Patent Office records. Please replace with Attorney Docket No. --**071308.0288**--.

ABSTRACT AMENDMENT

1.   Please replace the abstract with the following amended abstract:

ABSTRACT

~~A Method of Monitoring or Installing New Program Codes in an Industrial Installation~~

~~A method of monitoring an industrial installation, in particular an installation in the raw materials industry, by means of a mobile program code, which monitors the industrial installation, in particular the installation in the raw materials industry, automatically for faults or special events, in the event of a fault or a special event, the information needed to evaluate the fault or the special event being transmitted by means of the mobile program code or a further mobile program code to an evaluation center separated physically from the industrial installation, in particular the installation in the raw materials industry.~~

A method of installing a mobile program code for the control of an industrial automation system with a central computer and a plurality of actors and sensors coupled via a bus system with said central installation computer, has the steps of transmitting the mobile program code from a remote location to the central computer of the industrial automation system, installing and commissioning the mobile program code independently on the industrial automation system, and generating by means of the mobile program code further mobile program codes having a defined task, and transmitting the further mobile program codes at least to said actors and sensors within the industrial automation system.

CLAIM AMENDMENTS

IN THE CLAIMS

This listing of the claims will replace all prior versions, and listing, of claims in the application or previous response to office action:

1.   (**Currently Amended**) A method of installing a mobile program code for the control of an industrial ~~installation~~automation system comprising a central computer and a plurality of actors and sensors coupled via a bus system with said central installation computer, the method comprising the steps of:

transmitting the mobile program code from a remote location to the central computer of the industrial automation system~~installation~~,~~and~~

installing and commissioning the mobile program code independently on the industrial automation system~~installation~~, and ~~further comprising~~

generating by means of the mobile program code further mobile program codes having a defined task, and transmitting the further mobile program codes at least to said actors and sensors ~~and~~ within the industrial automation system~~installation~~.

2.   (Cancelled)

3.   (**Currently Amended**) A method according to claim 1, wherein the mobile program code is transmitted between the remote location and the industrial automation system~~installation~~ via ISDN, satellite, or Internet.

4.   (Original) The method according to claim 1, wherein the mobile program code is JAVA program code.

5.   (Currently Amended) The method according to claim 4, further comprising running the mobile program code on hardware provided for an open-loop or closed-loop control of the industrial automation system~~installation~~.

6.   **(Currently Amended)** The method according to claim 1, wherein the installed mobile program code is designed to monitor the industrial <u>automation system</u>~~installation~~.

7.   **(Currently Amended)** The method according to claim 6, further comprising independently monitoring the industrial <u>automation system</u>~~installation~~ by means of the mobile program code for a fault or special event, in the event of which information needed to evaluate the fault or the special event is transmitted to the remote location by means of the mobile program code.

8.   **(NEW)** The method according to claim 1, wherein the industrial automation system further comprises automation devices located between said central computer and said actors and sensors.

9.   **(NEW)** The method according to claim 1, wherein the industrial automation system further comprises an industrial Ethernet bus for coupling said automation devices and said central computer.

10.   **(NEW)** The method according to claim 1, wherein the industrial automation system further comprises a Profibus for coupling said automation devices and said actors and sensors.

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed November 16, 2005. At the time of the Office Action, Claims 1 and 3-7 were pending in this Application. Claims 1 and 3-7 were rejected. Claims 1, 3, 5-7 have been amended. Claims 8-10 have been added. Applicants respectfully request reconsideration and favorable action in this case.

Objections under 37 CFR 1.83(a)

Examiner has objected to the drawings for not showing every feature of the invention specified in the Claims under 37 CFR 1.83(a). Applicants respectfully disagree. The current pending claims are directed to a method of installing a mobile program code. The figure shows an exemplary embodiment of a typical industrial automation system. The system indicates in particular with arrow 50 the transmission of a mobile program code from a remote location to the central computer 1 of the automation system. Thus, Applicants believe that all elements/steps as far as necessary for understanding the present invention are shown in the figure.

Rejections under 35 U.S.C. § 102

Claims 1 and 3-7 were rejected by the Examiner under 35 U.S.C. §102(a) as being anticipated by Lange et al., "Programming and Deploying Java Mobile Agents with Aglets," dated August 1998 ("Lange"). Applicants respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiment of the invention.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1997). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that the cited art as anticipatory by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

The present claims are directed to industrial automation system and its specific inherent structure. Lange does neither disclose nor suggest the application of aglets within an industrial automation system. On the contrary, Lange discloses the application of JAVA mobile agents in electronic commerce application software. See in particular page 9, chapter 1.6.

However, as stated above, the present invention is directed to an industrial automation system with its specific structure of a central computer (installation or commissioning computer) and actors and sensors which are arranged according to the needs of the automation system within typical automation devices.

Lange merely describes the possibility of parallel processing applications. See page 9, fourth paragraph. Such parallel processing applications, however, merely "clone" a program and, thus, provide the capability of processing certain tasks with a higher processing power. Thus, a person skilled in the art of industrial automation systems would not consider typical Internet software applications for designing and/or operating an automation system.

An automation system has a completely different structure than a normal network of computers as shown in the present application in the Figure. For example, a plurality of actors and sensors are arranged with such a system and are typically coupled, for example, by Profibus and industrial Ethernet buses. Thus, each component might require a specific setup or control software. The mobile program code is, thus, designed to not only port itself to the central computer of the automation system but also to generate different mobile code for other components of the system. Lange generally describes an "aglet" which is able to port itself to another computer system. However, this also means that the aglet is terminated on the originating computer. See in particular page 23, Figure 2-4. Lange does not describe a complex mobile program code that is capable of installing an automation system operating software on the controlling automation devices and its actors and sensors.

Thus, Applicants believe that Lange does not anticipate the present independent claim 1. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35

U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

Association of Customer Number and Change of Correspondence Address

Applicants respectfully request that all papers pertaining to the above-captioned patent application be associated with Customer No. **31625**, and direct all correspondence pertaining to this patent application to practitioners at Customer Number **31625**. All telephone calls should be directed to Andreas Grubert at 512.322.2545.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorney for Applicants

Andreas Grubert
Limited Recognition No. L0225
Expires June 30, 2006
Limited Recognition Under 37 C.F.R. §11.9(b)

Date: January 13, 2006

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